

## Message Text

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61

ORIGIN INR-07

INFO OCT-01 ISO-00 EA-09 IO-13 L-03 /033 R

DRAFTED BY INT/SOL/HOLEMAN

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P 132121Z JUL 76

FM SECSTATE WASHDC

TO GOV AMERICAN SAMOA PRIORITY

UNCLAS STATE 173373

E.O. 11652: N/A

TAGS: PGOV, AQ

SUBJECT: MEMO OF AGREEMENT OF 1971 WITH AIR FORCE

DOTA NO. 092-AS

PASS TO LYLE L. RICHMOND, ATTORNEY GENERAL.  
FROM TIMOTHY S. ELLIOTT, ACTING ASSOCIATE SOLICITOR,  
DIVISION OF GENERAL LAW, DEPT. OF INTERIOR.

THIS RESPOND TO YOUR LETTER OF JUNE 24, 1976, IN WHICH YOU  
ASK FOR ADVICE AS TO LEGAL BASIS FOR AIR FORCE POSITION  
IN RESCINDING A MEMORANDUM OF AGREEMENT OF 1971. UNDER  
THE AGREEMENT, AF IS TO PAY GAS FOR USE OF PAGO PAGO  
INTERNATIONAL AIRPORT BY AF AIRCRAFT. AF ADVISES THAT  
PAYMENTS UNDER THE AGREEMENT ARE BASED UPON USAGE BY AF  
AIRCRAFT IN 1969-1970 DURING SOUTHEAST ASIA INVOLVEMENT.  
AS A RESULT OF NON-INVOLVEMENT, CIRCUMSTANCES HAVE CHANGED  
TO THE POINT THAT RENEGOTIATION IS NECESSARY; GAS HAS NOT  
RESPONDED TO AF REQUESTS TO RENEGOTIATE, AS A RESULT AF  
HAS TAKEN ACTION AS STATED IN COL. GARDNER'S LETTER OF  
MARCH 4, 1976, BUT IS STILL READY TO ENTER INTO DISCUSSIONS  
REGARDING PAYMENT. SINCE EITHER PARTY HAS THE RIGHT TO  
REQUEST RENEGOTIATION ANNUALLY, THE OTHER PARTY WOULD BE  
IN BREACH OF CONTRACT IF IT FAILED TO NEGOTIATE REASONABLY.

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AS TO RENEGOTIATION, CONTACT CAPT. NICHOLAS PHILLIPS,

AF, JAG, HICKAM AFB, HONOLULU.

ACTING DOTA SENDS. KISSINGER

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
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